APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,677	12/27/1999	MARK D. SMITH	EN999071	9073

7590   06/27/2003

SHELLEY M BECKSTRAND P C
ATTORNEY AT LAW
314 MAIN STREET
OWEGO, NY 13827

EXAMINER
BIENEMAN, CHARLES A

ART UNIT	PAPER NUMBER
2176	5

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	09/472,677		SMITH, MARK D.	
	Examiner		**Art Unit**	
	Charles A. Bieneman		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 1999</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 December 1999</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .   6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to the following communications: original application and

Information Disclosure Statement filed on December 27, 1999.

2.   Claims 1-11 are pending. Claims 1, 3, 4, 5, 9, 10, and 11 are independent claims.

Claim Objections

3.   **Claims 1, 2, 3, 4, 10, and 11** are objected to because of the following informalities:

Regarding **independent claims 1, 3, 4, 10, and 11**, the limitation "providing a site view

as category oriented view" is ungrammatical. The examiner presumes that the article "a" should

be inserted before the phrase "category oriented view".

Regarding **dependent claim 2**, the examiner presumes that the phrase "the said of

contents" in line 3 should read "said table of contents".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   **Claims 1-4 and 10-11** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding **independent claims 1, 3, 4, 10, and 11**, each of these claims recites the

limitation "the latest content" in the last line of the claim. There is insufficient antecedent basis

for this limitation in the claim. Not only is the limitation not recited or explained earlier in each

claim, but it is unclear on the face of the claim whether "the latest content" refers to the content of a site view or content that is linked to in a site view.

Regarding **dependent claim 2**, The terms "high level", "more detailed", and "lower level" in claim 2 are relative terms which render the claim indefinite. The terms are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Further, dependent claims are rejected for fully incorporating the deficiencies of their base claims.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   With respect to the rejection of each dependent claim below, the preceding rejection(s) of the relevant base claim(s) is incorporated therein.

8.   **Claims 1-5 and 9-11** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,199,098 B1 to Jones et al., issued March 6, 2001, filed February 23, 1996.

Regarding **independent claim 1**, Jones et al. teaches organizing a site as a list of topical content areas, each said area containing a list of content items that a user can link to for display using views; and providing a site view as a category oriented view. (Jones et al., Fig. 1E.)

Further, Jones et al. teach responsive to a user request for display of the site view, executing an agent to obtain and display to the user the latest content. (Jones et al., col. 5, lines 51-57: "Utilizing structure definition file 190 and portions of HTTP request 140, script program 180 dynamically generates HTML Web page 145 specifying a hierarchical TOC display reflecting the currently desired display state. Script program 180 can then cause server software 160 to transmit a copy of Web page 145 back to client computer 100 and browser program 120, for display on monitor 110.")

Regarding **dependent claim 2**, Jones et al. teach the site view including a site map and a table of contents, the site map being a high level category view and the table of contents being a more detailed view getting to a lower level of content items. (Jones et al., Figs. 1A – 1E.)

Regarding **independent claim 3**, the rejection of claim1 above is fully incorporated herein.

Regarding **independent claim 4**, Jones et al. teach their invention in the context of "a client-server network environment like the Web" that inherently would have contained the recited program storage device.

Further, the rejection of claim 1 above is fully incorporated herein.

Regarding **independent claim 5**, Jones et al. teach a content database for storing a plurality of documents inasmuch as the retrieval of network documents taught by Jones et al. inherently would have required a content database for storing a plurality of documents. (Jones et al., col. 5, lines 34-43.)

Further, Jones et al. teach a site view layout structure and a site navigation view

inasmuch as they teach a hierarchical display of a table of contents. (Jones et al., col. 5, lines 9-

10.)

Further, Jones et al. teach a user browser. (Jones et al., col. 5, lines 34-35.)

Further, Jones et al. teach a create map agent for accessing the site navigation view to

identify documents in the content database and extract to the site view layout structure data for

presentations in the fields of the site view. (Jones et al., col. 5, lines 43-57: "In addition, in

accordance with the present invention, server computer 150 uses script program 180 to process

requests involving an expandable table of contents. Script program 180 in turn references

structure definition file 190, which defines the overall hierarchical structure of a given TOC;

script 180 also references portions of the address path making up HTTP request 140, to extract

information about the current display state of the TOC. Utilizing structure definition file 190 and

portions of HTTP request 140, script program 180 dynamically generates HTML Web page 145

specifying a hierarchical TOC display reflecting the currently desired display state. Script

program 180 can then cause server software 160 to transmit a copy of Web page 145 back to

client computer 100 and browser program 120, for display on monitor 110.")

Regarding **dependent claim 9**, Jones et al. teach responsive to a user request for a

display of the site view, setting up a site view layout structure. (Jones et al., col. 5, lines 51-55:

"Utilizing structure definition file 190 and portions of HTTP request 140, script program 180

dynamically generates HTML Web page 145 specifying a hierarchical TOC display reflecting

the currently desired display state.")

Further, Jones et al. teach identifying in a navigation view one or more navigation documents. (Jones et al., col. 8, lines 44-47: "At step 465, hypertextual information is determined for the current node. If the node is a leaf node and its entry in structure definition file 190 includes an explicit URL, then that URL is encoded as a hypertext link for that node's entry in the Web page.")

Further, Jones et al. teach for each navigation document identified, determining the category name and adding a list item for said category to the site view layout structure inasmuch as Jones et al. teach documents added to a table of contents in the categories to which they belong. (Jones et al., col. 7, lines 32-52.)

Further, Jones et al. teach copying each list item from the layout structure to the site view for display responsive to the user request. (Jones et al., col. 5, lines 55-58: "Script program 180 can then cause server software 160 to transmit a copy of Web page 145 back to client computer 100 and browser program 120, for display on monitor 110.")

Regarding **independent claim 10**, Jones et al. teach the recited computer readable medium with computer readable program code means inasmuch as the recited computer readable medium with computer readable program code means would have been found on the server computer taught by Jones et al. (Jones et al., Fig, 2, block 150.)

Further, the rejection of claim 1 above is fully incorporated herein.

Regarding **independent claim 11**, Jones et al. teach the recited computer program product or computer program element. (Jones et al., Fig, 2, block 150.)

Further, the rejection of claim 1 above is fully incorporated herein.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   **Claims 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. in

view of Kerry A. Lehto et al., *Introducing Microsoft FrontPage97* (Microsoft Press: 1997),

pages 144-158.

Regarding **dependent claim 6**, Jones et al. teach the site view including a site map and a

table of contents as discussed above regarding claim 2.

Further, Jones et al. teach display of site maps and tables of contents using HTML (Jones

et al., col. 5, lines 51-57), but do not explicitly teach the respective use of HTML tables and lists.

However, Lehto et al. teach on page 147 that HTML tables provide the benefit of allowing web

sites to present information in an ordered way, and to preserve the same appearance of data that

will appear on multiple pages. One of ordinary skill in the art would have recognized that a site

map contained data that would benefit from being ordered in a table and having its appearance

standardized. Also, Lehto et al. teach on page 144 that lists make data easier to read and are a

user-friendly form of presentation. One of ordinary skill in the art would have recognized that a

table of contents is a structure frequently presented in list form. Therefore, it would have been

obvious to one of ordinary skill in the art to use HTML tables and lists for site maps and tables of

contents respectively.

Regarding **dependent claim 7**, Jones et al. do not teach a site map form for providing a

tabular layout structure for the site map and a table of contents form for providing a column

layout structure for the table of contents. However, the script program for generating the site

map and table of contents taught by Jones et al. (Jones et al., col. 5, lines 51-55) inherently

would have contained forms for the site map and table of contents because otherwise the script

program would not have been able to generate the display of those items. Moreover, one of

ordinary skill in the art would have recognized that the use of such forms would have been

efficient and relieved the web site programmer of the need to repeatedly create HTML for

containing the site map and table of contents. Therefore, in view of the obviousness of using

HTML tables and lists (note that lists are inherently columnar) discussed above regarding claim

6 it would have been obvious to one of ordinary skill in the art to implement a site map form for

providing a tabular layout structure for the site map and a table of contents form for providing a

column layout structure for the table of contents.

Regarding **dependent claim 8**, Jones et al. do not explicitly teach the site map form and

the table of contents form providing respective data fields for receiving data from the create map

agent dynamically responsive to a request from a user for display of the site map or table of

contents. However, inasmuch as the site map and table of contents forms would have been

obvious to one of ordinary skill in the art as discussed above regarding claim 7, it would have

been inherent to provide respective data fields for receiving data from the create map agent

because otherwise the information that the user had requested to be displayed could not have

been displayed, *i.e.,* data returned from a server would have had to have been placed in fields in

order to be displayed.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Patent Number	Name	Issue Date	File Date	
6,411,999 B1	Tinkler	6/25/02	10/8/98	
6,360,235 B1	Tilt et al.	3/19/02	3/16/99	
6,237,006 B1	Weinberg et al.	5/22/01	4/11/97	
6,195,696 B1	Baber et al.	2/27/01	10/1/98	
6,038,610	Belfiore et al.	3/14/00	7/17/96	
6,035,330	Astiz et al.	3/7/00	2/29/06	
5,943,670	Prager	8/24/99	11/21/97	
5,935,210	Stark	8/10/99	11/27/96	
5,895,470	Pirolli et al.	4/20/99	4/9/97	
5,708,825	Sotomayer	1/13/98	n/a	

UK Patent Application GB 2328297 A of International Business Machines Corporation (Healey), published February 17, 1999.

Takashi Sakairi, "A Site Map for Visualizing Both a Web Site's Structure and Keywords," *Systems, Man, and Cybernetics, 1999 IEEE Conference Proceedings* (October 12-15, 1999), vol. 4, pages 200-205.

C.J. Pilgrim et al., "Designing WWW Site Map Systems," *Database and Expert Systems Applications, 1999 Proceedings* (September 1-3, 1999), pages 253-258.

Steffen Klein, "Designing for Customer Interaction on the Web," *IEEE Internet Computing* (January-February 1999), pages 32-35.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles A. Bieneman whose telephone number is 703-305-8045.

The examiner can normally be reached on Monday - Thursday, 6:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on 703-305-9792. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular
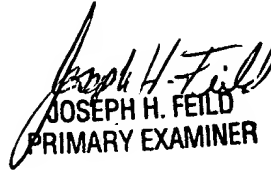
communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4700.

CAB
June 19, 2003

JOSEPH H. FEILD
PRIMARY EXAMINER